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Attorney for Defendant
SONIA CHIOU

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

LUCY GAO) Case No. 5:15-cv-03594-NC
)
Plaintiff,) **STIPULATION TO REMAND CASE;**
v.) **ORDER REMANDING CASE**
)
SONIA MING-JIU CHIOU aka CATHERINE)
SONIA KIRK,)
)
Defendant.)
)
)

Plaintiff Lucy Gao (“Plaintiff”) and Defendant Sonia Ming-Jiu Chiou (“Defendant”) (collectively “the Parties”) by and through their respective counsel, hereby stipulate and agree as follows:

STIPULATION

1. On July 21, 2015, Plaintiff commenced an action in the Superior Court of California in and for the County of Santa Clara titled *Lucy Gao vs. Sonia Ming-Jiu Chiou*, as Case No. 115CV283336 (the “State Court Action”).

2. On August 5, 2015, Defendant filed a Notice of Removal of the State Court Action pursuant to 28 U.S.C. §§ 1331, 1441, 1446, 42 U.S.C. § 3604, and the holding of the United States Supreme Court case *Grable & Sons Metal Products, Inc. v. Darue Engineering & Mfg.*, 545 U.S. 308 (2005).

1 3. On August 10, 2015, the Parties came to an agreement and settled this action (the
2 "Settlement"). A true and correct copy of the Settlement entered into between the Parties is
3 attached hereto as Exhibit A.

4 4. The Settlement provides that a stipulation and order will be entered in the
5 Superior Court for the County of Santa Clara County in the remanded State Court Action.

6 5. Because the Superior Court currently lacks jurisdiction to enter the Settlement
7 stipulation and order, the Parties have agreed and stipulate to remand the State Court Action so
8 that the Settlement stipulation and order can be entered in the Superior Court.

9 6. Pursuant to this Stipulation and Order, each Party shall bear her own attorney's
10 fees and costs with respect to the removal and subsequent remand of the State Court Action.

11 7. Upon remand, the Parties further stipulate that the Settlement stipulation and
12 order be effective *nunc pro tunc* to August 10, 2015, the date the Settlement stipulation was
13 signed by all parties.

14
15
16 Dated: August 11, 2015

By: /s/ Todd Rothbard
Todd Rothbard
Attorney for Plaintiff
LUCY GAO

17
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19
20
21 Dated: August 11, 2015

By: /s/ C. Alex Naegele
C. Alex Naegele
Attorney for Defendant
SONIA CHIOU

ORDER

Good cause appearing, IT IS ORDERED THAT:

1. This action immediately be remanded to the Santa Clara Superior Court.
 2. Each party shall bear her own attorneys' fees and costs with respect to the removal and subsequent remand of the State Court Action.

Dated: August 11, 2015

